

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-2496

PAUL PIERRE,

Petitioner

v.

ATTORNEY GENERAL OF THE UNITED STATES

On a Petition for Review of a Decision
of the Board of Immigration Appeals
(A93-021-438)

Transferred pursuant to the REAL ID Act from the
District of New Jersey
(Docket No. 05-cv-04100)

Calendared for Rehearing En Banc on Tuesday, February 26, 2008.

The parties and amicus curiae on behalf of the Court will address the following questions in supplemental briefs:

1. Whether the Convention Against Torture requires that the perpetrator of an act of torture specifically intends to inflict severe physical or mental pain or suffering, or is willful blindness (see Lavira v. Attorney General, 478 F.3d 158 (3d Cir. 2007)) to be considered and treated as tantamount to specific intent to torture?
 - a. Is a lack of prison medical facilities or resources necessary for the care of a severely physically impaired or diseased prisoner to be considered and treated as tantamount to torture when the warden or

jailer has no specific intent to inflict severe physical or mental pain or suffering?

2. Is there a statute, regulation or any other authority available to afford a remedy or humanitarian relief to severely impaired or diseased persons who will be imprisoned in the country to which they are being deported?